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ing liquors from one illegally selling the same is an accomplice of the seller.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 75.]

2. Criminal Law (§ 510*)—Conviction May Be Rested upon Uncorroborated Testimony of Accomplice.—Conviction of one accused of an illegal sale of intoxicating liquors may rest upon uncorroborated testimony of a single accomplice, though such evidence should be acted upon by the jury with great caution.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 77.]

3. Criminal Law (§ 1173 (2)*)—Refusal to Instruct as to Accomplice's Testimony Held Not Prejudicial.—In prosecution for illegal sale of intoxicating liquors, held, that accused was not prejudiced by error of the court on refusing to instruct that testimony of an accomplice should be received with caution; the accomplice being corroborated by a police officer who saw the accused in a house just before the alleged sale, saw the accomplice enter the house, and found whisky in his possession when he came out of the house.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 604.]

Error to Corporation Court of Norfolk.

Lee Crosby was convicted of an illegal sale of intoxicating liquor, and brings error. Affirmed.

N. T. Green, of Norfolk, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

PURNELL *v.* COMMONWEALTH.

Jan. 19, 1922.

[110 S. E. 271.]

Criminal Law (§ 1160*)—Approved Conviction Supported by Some Evidence Will Not Be Reversed.—In a prosecution for attempted rape, in which the defense was an alibi, where there was no complaint as to the rulings on evidence nor the law applicable, and the judge declined to set the verdict aside, the conviction will be affirmed where it cannot be said that verdict was without supporting evidence.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 620.]

Error to Circuit Court, Northampton County.

Edward Purnell was convicted of attempted rape, and he assigns error. Affirmed.

S. James Turlington and *Elmer W. Somers*, both of Accomac, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr.*, and *Leon M. Bazile, Asst. Attys. Gen.*, for the Commonwealth.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.